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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/849,839      | 05/04/2001  | John Cort Severns    | 8122                | 2262             |

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EXAMINER

MRUK, BRIAN P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1751

DATE MAILED: 05/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/849,839

Applicant(s)

SEVERNS ET AL.

Examiner

Brian P Mruk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Objections***

1. Applicant is advised that should claim 2 be found allowable, claim 12 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

2. Applicant is advised that should claim 2 be found allowable, claim 15 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

3. Applicant is advised that should claim 12 be found allowable, claim 15 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing

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one claim to object to the other as being a substantial duplicate of the allowed claim.

See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7, 9-10, 14, 17-18 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The phrase "more than about" in claims 7, 14 and 17 renders the claim vague and indefinite. The phrase "more than about" renders the claim indefinite, since one of ordinary skill in the art would not be able to ascertain the metes and bounds of the phrase "more than about". It is unclear what values are encompassed by the phrase "more than about". The examiner suggests that this phrase should be changed to either "more than" or "about". "Claims reciting "more than about" are invalid for indefiniteness where there was close prior art and there was nothing in the specification, prosecution history, or the prior art to provide any indication as to what range of specific activity is covered by the term about." See MPEP 2173.05(b). Appropriate correction and/or clarification is required.

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7. The phrase "less than about" in claim 9 renders the claim vague and indefinite. The phrase "less than about" renders the claim indefinite, since one of ordinary skill in the art would not be able to ascertain the metes and bounds of the phrase "less than about". It is unclear what values are encompassed by the phrase "less than about". The examiner suggests that this phrase should be changed to either "less than" or "about". "Claims reciting "less than about" are invalid for indefiniteness where there was close prior art and there was nothing in the specification, prosecution history, or the prior art to provide any indication as to what range of specific activity is covered by the term about." See MPEP 2173.05(b). Appropriate correction and/or clarification is required.

8. The phrase "at least about" in claim 20 renders the claim vague and indefinite. The phrase "at least about" renders the claim indefinite, since one of ordinary skill in the art would not be able to ascertain the metes and bounds of the phrase "at least about". It is unclear what values are encompassed by the phrase "at least about". The examiner suggests that this phrase should be changed to either "at least" or "about". "Claims reciting "at least about" are invalid for indefiniteness where there was close prior art and there was nothing in the specification, prosecution history, or the prior art to provide any indication as to what range of specific activity is covered by the term about." See MPEP 2173.05(b). Appropriate correction and/or clarification is required.

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9. Claims 10 and 18 are rejected under 35 U.S.C. 112, second paragraph, for being dependent upon a claim with the above addressed 112 problem.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-4, 6-10, 12-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasprzak, U.S. Patent No. 4,685,930.

Kasprzak, U.S. Patent No. 4,685,930, discloses a method for cleaning textiles with a cleaning composition comprising contacting textiles with a cyclic siloxane, such as octamethylcyclotetrasiloxane and decamethylcyclopentasiloxane (see abstract & col. 3, lines 22-39), per the requirements of instant claims 1-4, 6-10, 12-18 and 20. It is further taught by Kasprzak that the cleaning composition is applied in a conventional home laundry process (see col. 5, lines 27-34), per the requirements of the instant invention. Specifically, note Example 10(b), which discloses a method for cleaning textiles in a home laundry machine with a composition comprising 100% by weight of

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decamethylcyclopentasiloxane, per the requirements of instant claims 1-4, 6-10, 12-18 and 20. Therefore, instant claims 1-4, 6-10, 12-18 and 20 are anticipated by Kasprzak, U.S. Patent No. 4,685,930.

12. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kilgour et al, U.S. Patent No. 6,310,029.

Kilgour et al, U.S. Patent No. 6,310,029, discloses a method for cleaning an article comprising contacting an article with a cleaning composition comprising a siloxane, such as octamethylcyclotetrasiloxane and decamethylcyclopentasiloxane (see abstract & col. 3, lines 44-53), per the requirements of the instant invention. It is further taught by Kilgour et al that the textile article is immersed in the cleaning composition, is separated from the composition, and is dried by heating or applying reduced pressure (see col. 5, lines 1-29). Specifically, note Table IX, Examples 129 and 130, which disclose a process for cleaning textiles with a first composition comprising 44.55 grams of decamethylcyclopentasiloxane, 4.95 grams of methyl terminated tetradimethyl siloxane, and 0.5 grams of polyether siloxane (see Example 129) and a second composition comprising 44.10 grams of decamethylcyclopentasiloxane, 4.9 grams of methyl terminated tetradimethyl siloxane, 0.5 grams of polyether siloxane, and 0.5 grams of water (see Example 130), per the requirements of instant claims 1-20. Therefore, claims 1-20 are anticipated by Kilgour et al, U.S. Patent No. 6,310,029.

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13. Claims 1-4, 6-10 and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Berndt et al, U.S. Patent No. 5,942,007.

Berndt et al, U.S. Patent No. 5,942,007, discloses a dry cleaning method comprising contacting a garment to be cleaned in a vertical combination washer/dryer with a composition comprising 80% by weight of octamethylcyclotetrasiloxane and 20% by weight of decamethylcyclopentasiloxane, per the requirements of instant claims 1-4, 6-10 and 12-18 (see col. 3, lines 6-35 and col. 4, lines 37-46). Therefore, instant claims 1-4, 6-10 and 12-18 are anticipated by Berndt et al, U.S. Patent No. 5,942,007.

14. Claims 1-4, 6-10, 12-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Berndt et al, U.S. Patent No. 6,063,135.

Berndt et al, U.S. Patent No. 6,063,135, discloses a dry cleaning method comprising contacting a garment to be cleaned in a vertical combination washer/dryer with a composition comprising 30% by weight of 2-ethyl hexyl acetate and 70% by weight of decamethylcyclopentasiloxane, per the requirements of instant claims 1-4, 6-10, 12-18 and 20 (see abstract, col. 6, lines 10-27, and col. 8, lines 3-40). Therefore, instant claims 1-4, 6-10, 12-18 and 20 are anticipated by Berndt et al, U.S. Patent No. 6,063,135.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (703) 305-0728. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (Before Final) and (703) 872-9311 (After Final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

BPM

Brian Mruk  
May 8, 2003

*Brian P. Mruk*

Brian P. Mruk  
Patent Examiner  
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